

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOSEPH P. MCCAULEY,	:	CIVIL ACTION NO. 1:06-CV-0682
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	
	:	
TROY WILLIAMSON,	:	
	:	
Respondent	:	

ORDER

AND NOW, this 12th day of October, 2006, upon consideration of the report of the magistrate judge (Doc. 11), to which no objections were filed, recommending that the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 (Docs. 1, 8)¹ be dismissed, and, following an independent review of the record, the court finding that the Disciplinary Hearing Officer (“DHO”) applied the greater weight of evidence standard set forth in 28 C.F.R. § 541.17(f), and that there is some evidence to support the DHO’s conclusion that petitioner was guilty of the charged offense, see Superintendent v. Hill, 472 U.S. 445, 457 (1985) (“The Federal Constitution does not require evidence that logically precludes any conclusion but the one reached by the disciplinary board. . . . [It] requires only that there be some evidence to support the findings made in the disciplinary hearing.”), it is hereby ORDERED that:

¹ The magistrate judge noticed that the original petition on the docket (Doc. 1) had missing pages and ordered the Clerk of Court to correct the docket. (See Doc. 7.) Subsequently, the entire petition was docketed. (See Doc. 8.)

1. The report and recommendation of the magistrate judge (Doc. 11) is ADOPTED.
2. The petition for writ of habeas corpus (Docs. 1, 8) is DISMISSED.
3. Any appeal from this order is DEEMED frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).
4. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge